



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

A G E N D A

DECEMBER 18, 2006

Commissioner Joe Ford, Chairman
Commissioner David Lillard, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism

Commissioner George Flinn
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Deidre Malone
Commissioner Steve Mulroy
Commissioner Mike Ritz

8:30 A.M. COMMISSION CONVENES

CALL TO ORDER

INVOCATION Dr. Basil Brooks
Mt. Pisgah Missionary Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Sessions

MULROY November 20, 2006
ADOPTED

R E G U L A R A G E N D A

Elections, Appointments, and Confirmations

CHISM 1. Resolution electing a member of the Tennessee General
ADOPTED Assembly to the office of State Representative for the
Ninety Second House District of Tennessee.

AVERY 2. Resolution electing a member of the Tennessee General
ADOPTED Assembly to the office of State Senator for the Thirtieth
Senate District of Tennessee.

Commission Meeting Recesses until 2:30 P.M.

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

Ordinances

CHISM
APPROVED

3. ORDINANCE – FIRST READING - An Ordinance to amend Ordinance No. 41 entitled “Ordinance amending Section 10 of Shelby County Ordinance No. 13 in order to change the location of the Court from the Shelby County Criminal Justice Complex at 201 Poplar Avenue to the Shelby County Courthouse or any other location wherein the General Sessions Court of Shelby County is in session, relative to ordinance violations.”

Zoning and Subdivisions

RITZ
ADOPTED
(A-B)

4. Resolution approving various subdivision contracts, plats, extensions, etc. as recommended by the County Engineer.

Reports and/or Resolutions of Standing Committees

MALONE
ADOPTED

5. Resolution establishing funding guidelines in the preparation of the FY 2008 Operating Budget.

MALONE
ADOPTED

6. Resolution approving expenditure of funds in the amount of \$2,065,000.00 annually for the purchase of gasoline and diesel fuel for various departments of Shelby County Government.

LILLARD
(DEFERRED
TO 01/08/07)

7. Resolution authorizing Amendment No. 5 and 6 to Contract No. CA992518 with Fisher & Arnold, Inc., for the environmental approval and design of Fite Road from U.S. Highway 51 to Woodstock Boulevard and a bridge over the CNIC Railroad and to designate funds in the amount of \$36,566.00 from Encumbrance No. S007121 for Amendments 5 and 6.

BUNKER
(DEFERRED
TO 01/22/07)

8. Resolution requesting that the Charter of The MED be amended to add the chairman of this commission's Hospitals and Health Committee as an ex-officio non-voting member to the MED's board.

BUNKER
ADOPTED

9. Resolution approving a contract between Shelby County Government and the Regional Medical Center to provide medical detoxification and assessment services, including brief treatment intervention and indigent individuals at the Jail Diversion Unit.

BUNKER ADOPTED	10.	Resolution requesting approval to amend the Memphis and Shelby County Health Department FY 2006/2007 Operating Budget and to appropriate funds in the amount of \$50,800.00 carried forward from FY 2005/2006 in the Pandemic Influenza Grant program.
CHISM ADOPTED	11.	Resolution approving a contract with Transcor America, LLC, in the amount of \$125,000.00 for prisoner extradition services for the Sheriff's Office, Fugitive Division.
CHISM ADOPTED	12.	Resolution approving a contract for the provision of consultant professional services for the development of promotional examinations for the Deputy Sheriff's Inspector, Captain and Lieutenant ranks.
CHISM (DEFERRED TO 01/22/07)	13.	Resolution awarding the bid in the amount of \$165,420.00 to Chestnut Ridge Foam, Inc., for the purchase of foam mattress cores for the Shelby County Division of Corrections.
CHISM ADOPTED	14.	Resolution to authorize the Office of the District Attorney General to accept \$36,730.00 in the FY 2004 Project Safe Neighborhoods Program from the City of Memphis, and to amend the FY 2006/2007 Shelby County Operating Budget and the Position Control Budget.
CHISM (REMOVED TO REGULAR AGENDA) ADOPTED	15.	Resolution approving a sub-grant agreement between Shelby County Government and the Commission on Missing and Exploited Children in the amount of \$46,315.00 net of the required ten percent matching contribution pursuant to the Juvenile Accountability Block Grant for the term October 1, 2006 to September 30, 2007.
HARVEY ADOPTED	16.	Resolution to approve revisions to the FY 2007 Personnel and Operating Budget for the Shelby County Election Commission in the amount of \$385,658.00 for State of Tennessee required Special Primary and General Elections to fill vacancies in Tennessee Senate District 30 and Tennessee House of Representatives District 92.
HARVEY ADOPTED	17.	Resolution to approve a contract amendment and the expenditure of additional funds in the amount of \$28,500.00 for the period of October 1, 2006 through June 30, 2007, to Watkins Uiberall, PLLC and Banks, Finley, White and Company for election audit services for the November 7, 2006 and December 12, 2006 elections.

**LILLARD
ADOPTED**

18. Resolution approving the purchase of playground equipment for nine Shelby County Head Start sites from Gametime by Southwest Parks and Playgrounds under State Contract No. 040376 in the amount of \$156,874.24.

**LILLARD
ADOPTED**

19. Resolution approving expenditure of funds by Shelby County Government to Federal Equipment Dealers, Inc., for the purchase of various Head Start kitchen equipment in the amount of \$81,169.74.

**LILLARD
ADOPTED**

20. Resolution amending the FY 2006/2007 Operating Budget of the Head Start Program and amending the personnel complement.

**LILLARD
ADOPTED**

21. Resolution approving renewal of contract between Shelby County Government on behalf of Shelby County Head Start and Memphis City Schools Division of Nutrition and Food Services under the Child and Adult Food Care Program ("CACFP") Head Start Enrollees Program and appropriating funds in the amount of \$188,254.00.

**LILLARD
ADOPTED**

22. Resolution authorizing the Mayor to execute a contract with Memphis City Schools to accept grant funds in the amount of \$72,278.00 to expend in the Head Start Program and amending the County Head Start Operating Budget for the period July 1, 2006 to June 30, 2007.

**BROOKS
(DEFERRED
TO 02/09/07)**

23. Resolution adopting new rules and regulations and bylaws, including membership requirements, for the new Beer Board; and directing the Shelby County Board of Commissioners to proceed with the appointment of new members to the new Beer Board.

**MALONE
ADOPTED**

24. Resolution authorizing the mayor of Shelby County to amend the Shelby County Department of Housing Operating Budget for FY 2007 by establishing Fund No. 359-271006, amending the Position Control Budget, and adjusting the budget in various other funds to account for a new Lead Based Paint Hazard Control Grant from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$2,998,886.00.

**MALONE
ADOPTED**

CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

**BROOKS
ADOPTED**

25. Resolution approving the county mayor's nomination of Henry Hooper and Osie Ward for reappointment and Dr. Fred C. Lofton for appointment to the Shelby County *Retirement Board*.

Ordinances

**RITZ
ADOPTED**

26. ORDINANCE - THIRD READING – Ordinance by the Board of Commissioners for Shelby County, Tennessee, to amend Chapter 14.5 of the Code of Shelby County to retain the same annual emission fee amount for the calendar year 2005.

Zoning and Subdivisions

**RITZ
ADOPTED**

27. CASE NO. P.D. 06-350 CC
APPLICANT: Oswald Family Partnership/Beacon Ridge, LLC

LOCATION: East side of Hacks Cross Road; +1000 feet south of Holmes Road

REQUEST: A residential planned development with a maximum of 175 lots and an average lot size of 12,000 square feet

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, December 8, 2006.)

**RITZ
ADOPTED**

28. CASE NO. P.D. 06-351 CC
APPLICANT: Tower Ventures V, LLC

LOCATION: South side of East Shelby Drive; ±1,020.39 feet west of Hacks Cross Road

REQUEST: Planned development amendment to allow a monopole cellular tower one-hundred eighty (180) feet in height to accommodate six co-locations (carriers) within the Outline Plan.

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, December 8, 2006.)

RITZ
ADOPTED

29. **CASE NO. P.D. 06-352 CC**
APPLICANT: Gardens of Grays Hollow, LLC
- LOCATION:** +150 feet south of the intersection of Gray's Song and Gray's Hollow Drive
- REQUEST:** A planned development to permit 170 single family detached lots (lot size range between approximately 6,000 and 13,000 square feet)
- Memphis and Shelby County Office of Planning and Development recommendation:
REJECTION
- Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS
- (Notice of public hearing published in the Daily News on Friday, December 8, 2006.)

Reports and/or Resolutions for Standing Committees

HARVEY
(DEFERRED
TO 01/22/07)

30. Resolution approving retainage of a law firm for the purpose of initiating litigation against PC Sports, M.A. Mortenson Company, and/or Ellerbe Becket.

CARPENTER
ADOPTED
AS AMENDED

31. Resolution to amend a Resolution entitled "Resolution to approve a grant of Conservation Easement of county owned property for eventual use with an easement holder to be selected and approved by the Board of County Commissioners for the purposes of protecting, maintaining, preserving and enhancing the conservation, natural, scenic, recreational and parkland resources and values of the property"; to approve the "revised copy" of the grant of Conservation Easement; to approve Land Trust of Tennessee, Inc. as grantee of a Conservation Easement; and to authorize the Shelby County Mayor to execute the Grant of Conservation Easement.

MULROY
WITHDRAWN

32. Resolution by the Board of Commissioners of Shelby County, Tennessee, approving contract with Baker, Donelson, Bearman, Caldwell & Berkowitz, PC for the provision of governmental relations and *lobbying services* for matters before the Tennessee General Assembly.

MULROY
(DEFERRED
TO 01/22/07)

33. Resolution by the Board of County Commissioners of Shelby County, Tennessee, requesting the Tennessee General Assembly enact legislation bringing Shelby County Government elected officials and covered employees within the reporting and enforcement regime set forth in the "Comprehensive Governmental *Ethics* Reform Act of 2006."

MULROY
(DEFERRED
TO 01/08/07)

34. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 8, Chapter 20, Section 120, relative to *Sheriff’s Departments – Funding – Salaries and Employees.*”

MULROY
ADOPTED

35. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 5, Chapter 5, Section 126, relative to the *subpoena power* given to members of the county legislative body”.

MULROY
(DEFERRED
TO 01/08/07)

36. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 49, Chapter 3, Section 315 (5) to authorize the County Trustee to distribute capital funds as prescribed by the county legislative body for specified periods without adhering to the Average Daily Attendance distribution requirement provided that the total distribution of funds at the end for the specified period equals the *Average Daily Attendance distribution of funds.*

MULROY
(DEFERRED
TO 01/08/07)

37. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 49, Chapter 3, Section 1003 (c) (1) to authorize the County Trustee to distribute capital funds as prescribed by the county legislative body for specified periods without adhering to the Average Daily Attendance distribution requirement provided that the total distribution of funds at the end for the specified period equals the *Average Daily Attendance distribution of funds.*

Announcements/Statements

38. Notifications from county mayor of various appointments, reappointments to boards, commissions, and offices of Shelby County Government.
- a. Resolution approving the county mayor's nomination of Dr. Morris W. Ray and Joseph Webb for appointment to the Shelby County Healthcare Corporation.
 - b. Resolution approving the county mayor's nomination of Dr. Helen Broughton for appointment to the Memphis and Shelby County Air Pollution Control Board.

Adjournment

GIBSON
ADOPTED

39. Resolution of Adjournment to Monday, January 8, 2006, at 2:30 p.m.

AGENDA #: 4
DATE: December 18, 2006

4A

SUBDIVISION: GERLAND CREEK P.D., PHASE 9, PART OF PARCELS 3, 4 AND 5 (P.D. 92-349 CC)

DEVELOPER: WHISPER RIDGE, GP

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO GERLAND CREEK P.D., PHASE 9, PART OF PARCELS 3, 4 AND 5 (P.D. 92-349 CC)

LOCATION: 1500 FEET NORTH OF SHELBY DRIVE AND 2000 FEET WEST OF HACKS CROSS ROAD

4B

SUBDIVISION: RESOLUTION TO APPROVE THE PLAT FOR GARY SUBDIVISION (S 06-030 CC)

DEVELOPER: DEREK D. AND KRISTY L. GARY

ACTION: RESOLUTION TO APPROVE THE PLAT FOR GARY SUBDIVISION (S 06-030 CC) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: EAST SIDE OF NEW BROWNSVILLE ROAD; ±1000 FEET SOUTH OF AUSTIN PEAY HIGHWAY

[If you have any questions about this agenda, please call Steve Summerall, Chief Administrator, at 545-4301]